

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

DAVID J. BLOCH,

Plaintiff,

v.

HEATHER BOUCHEY, *et al.*,

Defendants.

Civil Case No. 2:23-cv-00209-cr

**DECLARATION OF MATHEW W. HOFFMANN
IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANTS' JOINT MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION AND EXPEDITED HEARING**

I, Mathew W. Hoffmann, declare:

1. I am an attorney employed by Alliance Defending Freedom (ADF).
2. I represent Plaintiff David Bloch in this case.
3. Plaintiff filed his Verified Complaint and Motion for Preliminary Injunction on July 17, 2023.
4. He served both his Verified Complaint and Motion for Preliminary Injunction on all parties on July 19, 2023.
5. Counsel for Defendant Bouchey disputed proper service but had knowledge of the lawsuit no later than July 25, 2023.
6. As a courtesy, I sent counsel for Defendant Bouchey another copy of Plaintiff's Motion for Preliminary Injunction and Memorandum in support on July 26.
7. On July 31, 2023, counsel for Defendant Bouchey emailed me to inform me that counsel for all Defendants intended to request a 30-day extension from the Court to respond to Plaintiff's motion for preliminary injunction. Ex. A at 3. A true, accurate, and complete copy of the correspondence among the parties regarding Defendants' request for extension is Exhibit A.

8. That same day, I responded that Coach Bloch “want[ed] to provide the Court enough time to hear the motion and rule on it after it is fully briefed in advance of the upcoming snowboarding season.” Ex. A at 2.

9. I noted that a “30-day extension in addition to the nearly two weeks since the motion was served is excessive, especially given the Local Rules’ default 14-day deadline.” *Id.*

10. But, as a professional courtesy and in the interest of coming to a mutually agreeable resolution, Coach Bloch agreed not to oppose the motion “if Defendants will join in a request for a hearing in mid to late September or at the least present the Court with dates in mid to late September on which all parties are available for a hearing.” *Id.*

11. Counsel for Defendant Bouchey responded that she did not oppose Plaintiff’s request and was available September 18th through the morning of September 25. *Id.*

12. Counsel for Defendants Windsor Central Supervisory Union and Sousa responded that he “agree[d] to request the PI hearing in September and [was] available 9/19, 9/20, and 9/25.” Ex. A at 1.

13. I responded that counsel for Plaintiff were available on all those days. *Id.*

14. Counsel for Defendant Nichols never responded.

15. Also on July 31, Coach Bloch, as a professional courtesy and because he has a pending request for preliminary relief, consented to Defendants Nichols and Bouchey’s request to extend the deadline to respond to the Verified Complaint by 30 days. *See Doc. 13 at 1.*

I, Mathew W. Hoffmann, declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing Declaration is true and correct to the best of my knowledge.

Executed this 4th day of August, 2023, at Lansdowne, Virginia.

/s/ Mathew W. Hoffmann

Mathew W. Hoffmann

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, I electronically filed the foregoing on the Court's CM/ECF system, which automatically sends an electronic notification with this filing to the following attorneys of record:

Pietro J. Lynn, Esq.
Sean M. Toohey, Esq.
Lynn, Lynn, Blackman & Manitsky, P.C.
76 St. Paul Street, Suite 400
Burlington, VT 05401
(802) 860-1500
plynn@lynnlawvt.com
stoohey@lynnlawvt.com

Steven J. Zakrzewski, Esq.
GORDON REES SCULLY MANSUKHANI, LLP
95 Glastonbury Blvd, Suite 206
Glastonbury, CT 06033
T: (860) 494-7511
szakrzewski@grsm.com

Eleanor L.P. Spottswood
Solicitor General
Office of the Attorney General
109 State Street
802-793-1646
Montpelier, VT 05609-1001
eleanor.spottswood@vermont.gov

Counsel for Defendants

Dated: August 4, 2023

/s/ Mathew W. Hoffmann

Mathew W. Hoffmann
Counsel for Plaintiff